

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>IMMANUEL GERALD MITCHELL</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIV-20-585-R</b>
	)	
<b>SCOTT CROW,</b>	)	
	)	
<b>Respondent.</b>	)	

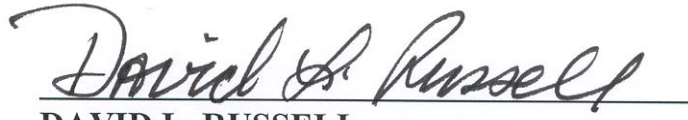
**ORDER**

Petitioner, appearing *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on June 19, 2020. Doc. No. 1. He also filed a Motion for Leave to Proceed In Forma Pauperis. Doc. No. 6. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the Court referred the matter to United States Magistrate Judge Shon T. Erwin for preliminary review. On July 16, 2020, Judge Erwin issued a Report and Recommendation wherein he recommended the Court deny Petitioner's motion to proceed in forma pauperis because he has sufficient funds to prepay the filing fee, and dismiss his petition for a writ of habeas corpus without prejudice unless Petitioner pays the filing fee by August 5, 2020. Judge Erwin also provided Petitioner the option to file an objection to his Report and Recommendation by August 3, 2020.

The record reflects that Petitioner has not paid his filing fee, nor has he objected to the Report and Recommendation within the time limits prescribed therein or sought an extension of time in which to respond. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. Mr. Mitchell's Motion to Proceed In Forma Pauperis,

Doc. No. 6, is denied; his Petition for Writ of Habeas Corpus, Doc. No. 1, is dismissed without prejudice.

**IT IS SO ORDERED** this 7<sup>th</sup> day of August 2020.

  
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**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**